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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,648	12/29/2000	Gregory Cummings	42390P9329	1497

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EXAMINER
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BRANCOLINI, JOHN R

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/752,648	<b>Applicant(s)</b> CUMMINGS ET AL.	
	<b>Examiner</b> John R Brancolini	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-14,16,17,19,20, 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action in response to the Request for Continued Examination filed November 1, 2004. Claims 1-34 are currently pending in the application.

Claims 2, 5, 15, 18, 21-23 have been cancelled, leaving claims 1, 3-4, 6-14, 16-17, 19-20, 24-34 being examined.

Direct responses to issues raised in the Remarks section follow the claim rejections.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 4, 6-12, 14, 16-17, 20, 24, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (US Patent 6269394), hereinafter referred to as Kenner, in view of Rune (US Patent 6304913).

In regards to claim 1, Kenner discloses a method, comprising:

- Receiving a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form

of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).

- Receiving an identifier corresponding to the address from an edge server of a plurality of edge servers, the edge server having the requested data (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8).
- Selecting the edge server to provide the requested data to the requesting system (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46) wherein the selecting of the edge server further comprises forwarding the address to a database having a predetermined list of addresses corresponding to the plurality of edge servers, and looking up the address corresponding to the edge server in the database (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents, to which the address is forwarded to allow the PIM to find the nearest server to stream the data to the requesting unit, col 4 line 55 – col 5 line 16, col 10 lines 55-65).
- Directing the requesting system to the edge server to receive the requested data (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 4, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored

which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 6, Kenner discloses the request comprises a request for media data (the invention is directed towards video clip storage and retrieval, col 7 lines 12-15).

In regards to claim 7, Kenner discloses the request for media data comprises a request for live media data (the search and retrieval unit, or SRU, can stream video in real time allowing for live media data, col 10 lines 9-18).

In regards to claim 8, Kenner discloses the causing the directing of the requesting system to the edge server comprises:

- Connecting the edge server to an origin server receiving the live media data (the PIM connects a storing server to the origin server to obtain a copy of the data, col 16 lines 45-51).
- Sending the live media data from the origin server to the edge server (a new clip is stored by the server of origin of the media data, sends the clip to the PIM which sends the clip to a storing server, col 16 lines 45-51).

In regards to claim 9, Kenner discloses a method, comprising:

- Receiving a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
- Looking up the address using a database, the database having a list of predetermined addresses corresponding to a plurality of edge servers (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46).
- If the address exists on the database, receiving an identifier corresponding to the address from an edge server having the requested data (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the server, col 12 line 57 – col 13 line 8), and causing the requested data to be sent from the edge server to the requesting system (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 10, Kenner discloses if the address does not exist on the database, causing the requested data to be sent from a deployment server to the requesting system, the deployment server being selected based on a non-address based protocol (if an unknown user with a non-existent address requests data, a local retrieval unit is created that finds and downloads the data and then transfers the data to



the user based on a non-address based protocol, but rather on geographic locality, col 9 lines 29-42).

In regards to claim 11, Kenner discloses the causing of the requested data to be sent from the selected edge server comprises redirecting the requesting system to the selected edge server (a routing message is created by the index manager, and this is forwarded to the user allowing the requesting system access to the remote server, col 11 lines 34-40).

In regards to claim 12, Kenner discloses the redirecting the requesting system to the selected edge server comprises sending location information to the requesting system, the location information comprising the address of the selected edge server and the location of the requested data on the selected edge server (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents, to which the address is forwarded to allow the PIM to find the nearest server to stream the data to the requesting unit, col 4 line 55 – col 5 line 16, col 10 lines 55-65).

In regards to claim 14, Kenner discloses a machine-readable medium having stored thereon data representing sets of instructions, which, when executed by a machine, cause the machine to:

- Receive a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
- Receive an identifier corresponding to the address from an edge server of a plurality of edge servers, the edge server having the requested data (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8).
- Select the edge server to provide the requested data to the requesting system (after receiving the request, the PIM selects a server that contains the requested data based on the requesting system's address, col 11 lines 34-46) wherein the sets of instructions which, when executed by the machine, further cause the machine to forward the address to a database having a predetermined list of addresses corresponding to the plurality of edge servers, and to look up the address corresponding to the edge server in the database, (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers' contents, to which the address is forwarded to allow the PIM to find a

server to stream the data to the requesting unit, col 4 line 55 – col 5 line 16, col 10 lines 55-65).

- Redirecting the requesting system to edge server to receive the requested data (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides “a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user” (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest

Art Unit: 2153

to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 16, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 17, Kenner discloses an apparatus. comprising:

- A storage medium (the SRU is a storage unit, col 9 lines 29-31).
- A processor coupled with the storage medium, the processor to:
  - Receive a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
  - Receive an identifier corresponding to the address from an edge server of a plurality of edge servers, the edge server having the requested data (the PIM interrogates the database of content servers, the requester then

receiving an identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8).

- o Select the edge server to provide the requested data to the requesting system (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46) wherein the selecting of the edge server further includes forwarding the address to a database having a predetermined list of addresses corresponding to the plurality of edge servers, and to look up the address corresponding to the edge server in the database, (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents to allow the nearest server to stream the data to the requesting unit, col 4 line 55 – col 5 line 16, col 10 lines 55-65).
- o Directing the requesting system to the edge server to receive the requested data (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the

address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 20, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 24, Kenner discloses an apparatus, comprising:

- A database having a list of predetermined addresses corresponding to a plurality of edge servers (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents to allow the nearest

server to stream the data to the requesting unit, col 4 line 55 – col 5 line 16, col 10 lines 55-65).

- A redirection server coupled to a database, the redirection server to:
  - Receive a request for data from a requesting system, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
  - Lookup the address on the database (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46).
  - If the address exists on the database, receive an identifier corresponding to the address from an edge server having the requested data (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the server, col 12 line 57 – col 13 line 8), and cause the requested data to be sent from the edge server to the requesting system (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 26, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored



which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 27, Kenner discloses a system, comprising:

- A requesting system to request data, the request having an address associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
- An operations center coupled to the requesting system, the operations center to handle requests from the requesting system, the operations center having:
  - A site database having a list of predetermined addresses corresponding to a plurality of edge servers (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents to allow the nearest server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col 10 lines 55-65).
  - A redirection module to receive an identifier corresponding to the address from an edge server having the requested data (a routing message is created by the index manager, and this is forwarded to the user allowing

the requesting system access to the remote server, col 11 lines 34-40), to select the edge server to provide the requested data to the requesting system, therein selecting of the edge server further comprises forwarding the address to the database and to look up the address corresponding to the edge server in the database, and to direct the requesting system to receive the requested data (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents to allow the nearest server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col 10 lines 55-65).

- o The edge server of the plurality of edge servers to send data to the requesting system (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the

smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides “a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user” (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 28, Kenner discloses the requesting system comprises a viewer, and the redirection module causing the requested data to be sent from the edge server to the requesting system comprises initiating a dialog session between the viewer and the edge server (in one embodiment, Kenner shows the invention being used to watch videos for a real estate company where the user has a viewer installed in a browser, and a dialog session is also utilized to allow the user to access text data that corresponds to the video, col 18 line 64 – col 19 line 43).

In regards to claim 29, Kenner discloses the address comprises an IP (Internet Protocol) address (Col 22 lines 20-68, the top table indicates that a User ID is stored which is used to identify a user, also the lower table indicates that listing of all IP addresses are stored).

In regards to claim 30, Kenner discloses a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to:

- Receiving a request for data from a requesting system, the request having an address-associated with the requesting system (the PIM, or primary index manager, receives a request from a user workstation which has an associated network address, this network address being attached to the request in the form of a network ID, which allows the PIM to determine where in the system the requesting computer is located, col 8 lines 58-66, col 14 lines 16-29 deals with the regional ID, which is used as an address for matching servers to geographic areas that the requester is in).
- Looking up the address using a database, the database having a list of predetermined addresses corresponding to a plurality of edge servers (after receiving the request, the PIM selects a server that contains the requested data based on the requesting systems address, col 11 lines 34-46).
- If the address exists on the database, receiving an identifier corresponding to the address from an edge server having the requested data, and causing the requested data to be sent from the edge server to the requesting system (the PIM interrogates the database of content servers, the requester then receiving an identifier corresponding to the nearest server, col 12 line 57 – col 13 line 8), and causing the requested data to be sent from the edge server to the requesting

system (the data is sent from the remote storage unit to the requesting unit which subsequently receives the information, col 11 lines 41-46).

While Kenner discloses that the system routes the client to receive information from the closest server, it does not directly indicate whether this is in relation to the requesting system.

Rune discloses a system for selecting the nearest server from a plurality of alternate servers. As seen in Figure 2, Rune assigns name and addresses to alternate servers. Then the system transmits a request to the central server, which selects the address of the server from the list of alternate servers which is closest to the requesting system. Figure 3 also details the system, which shows an alternate route of counting hop counts between a router and an alternate server, the closest server with the smallest number of hop counts being selected (see also col 5 lines 7-67 for a text analysis of Figure 2, and col 3 lines 1-27 for a text analysis of Figure 3). Rune teaches it would be useful to select the closest alternate server as it provides "a method and Internet system that improves the response times by selecting for use a mirror server locating relatively close to a particular user" (col 1 lines 42-46).

It would have been obvious to one of ordinary skill in the art to modify Kenner to include the choosing of a closest server translates to choosing a server that is nearest to a requesting system as taught by Rune to improve response times of the system by reducing the physical distances between the transmitter and receiver of information.

In regards to claim 31, Kenner discloses the sets of instructions when executed by the machine, further cause the machine to if the address does not exist on the database, cause the requested data to be sent from a deployment server to the requesting system, the deployment server being selected based on a non-address based protocol (if an unknown user with a non-existent address requests data, a local retrieval unit is created that finds and downloads the data and then transfers the data to the user based on a non-address based protocol, but rather on geographic locality, col 9 lines 29-42).

In regards to claim 32, Kenner discloses the causing of the requested data to be sent from the selected edge server comprises redirecting the requesting system to the selected edge server (a routing message is created by the index manager, and this is forwarded to the user allowing the requesting system access to the remote server, col 11 lines 34-40).

In regards to claim 33, Kenner discloses the redirecting the requesting system to the selected edge server comprises sending location information to the requesting system, the location information comprising the address of the selected edge server and the location of the requested data on the selected edge server (the PIM maintains a database containing the addresses of the edge servers as well as a listing of the servers contents, to which the address is forwarded to allow the PIM to find the nearest

Art Unit: 2153

server to stream the data to the requesting unit, col 4 line 55 – col 5 line16, col 10 lines 55-65).

Claims 3, 13, 19, 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Rune, and further in view of Alkhatib (US Patent Number 6119171).

In regards to claims 3, 13, 19, 25 and 34, Kenner in view of Rune fails to disclose the feature of using a predetermined list of CIDR (Classless Inter-Domain Routing) blocks corresponding to the address of an edge server.

Alkhatib discloses a system of domain name routing where the feature of utilizing CIDR blocks is discussed. Alkhatib teaches using CIDR blocks as a solution to the depleting IP address problem currently facing networks. Utilizing CIDR blocks allocates a series of Class C network addresses in the place of a Class B network to slow the consumption of Class B network addresses (col 2 lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kenner to include utilizing CIDR blocks as taught by Alkhatib as a solution to the depleting IP address problem currently facing networks.

### ***Response to Arguments***

Applicants arguments presented in the Remarks, filed with the RCE, November 1, 2004.

1. Kenner teaches away from locating servers and only when the information is not found locally that it attempts to locate a server.

2. Kenner does not teach or reasonably suggest that the "closest server" is the nearest streaming server to the requesting system.

With regards to argument 1, examiner respectfully disagrees with applicant. Kenner, in the abstract, states "When the user requests a desired video clip shown on a web page, the request is diverted to a primary index manager (PIM). The PIM attempts to locate the closest server containing the requested clip, from which the download is completed". Though initially the local storage and retrieval unit (SRU) is checked for the video clips, the local storage unit is used as a temporary storage for the user's most requested video clips, so duplicated request would be fulfilled by the local SRU (col 4 lines 60-63). For any new request, the PIM is sent the request as it maintains the database of all other media servers capable of handling the request. The examiner does not see this as teaching away from locating an edge server in response to a request, merely an additional feature provided by Kenner (and not relied upon in the claim rejections) to reduce the redundancy of the system. However, the manner in which Kenner handles new requests is seen as anticipating the claimed invention.

With regards to argument 2, the examiner respectfully disagrees with applicant. Kenner identifies a regional ID that is attached to any request to aid the PIM in locating the closest server for streaming the media (col 4 lines 55-65). This feature indicates to the examiner that Kenner does in fact locate the nearest edge server, having the file for download. The PIM is shown to maintain a database of server addresses, receiving the



request from the SRU after the initial search, the SRU having attached a regional ID, this ID being used by the PIM to search the database for the closest edge server. However, for clarity in the art rejections, a 103 has been made utilizing a new piece of art to teach locating a closest server based on address searching.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Leighton et al. (6553413), content delivery network using edge of network servers, the system utilizing « ghost » servers to stream content to a provider, the provider then relaying the information to a user.
- Jardin et al. (US Patent 6766354), speed sensitive content delivery, utilizing response times between clients and servers to identify the optimum route for a client to receive content from a streaming edge server.
- Rune (US Patent 6304913), a system of locating the closest server from a plurality of edge servers.

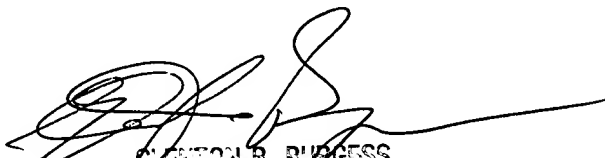
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (571) 272-3948. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

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